

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BERNADEAN RITTMANN, FREDDIE
CARROLL, JULIA WEHMEYER, and RAEF
LAWSON individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., and AMAZON
LOGISTICS, INC.,

Defendants.

No. 2:16-cv-01554-JCC

DECLARATION OF PABLO OVANDO
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR NOTICE TO BE ISSUED
TO SIMILARLY SITUATED
EMPLOYEES PURSUANT TO 29 U.S.C.
§ 216(b)

ORAL ARGUMENT REQUESTED

NOTE ON MOTION CALENDAR:
JANUARY 20, 2017

DECLARATION OF PABLO OVANDO
NO. 2:16-CV-01554-JCC

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DECLARATION OF PABLO OVANDO

I, Pablo Ovando, hereby declare as follows:

1. I have personal knowledge of the facts stated in this declaration.

2. Since early February 2016, I have delivered packages as an independent contractor Delivery Partner ("DP") through the Amazon Flex program in the Chesapeake, Hampton Roads, and Virginia Beach, Virginia areas.

3. I contract with Amazon to deliver to customers of Amazon's Prime Now service. I make my pickups from Amazon's site in Chesapeake, VA.

4. I received a new Terms of Service Agreement in September. Amazon made it clear to me that I could opt out of the arbitration provision. I did not opt out.

5. When I signed up for Amazon Flex, I understood that I would be an independent contractor working for myself. In delivering through Amazon Flex, I still see myself as an independent contractor. I control all of my decisions with Amazon Flex. If I get an offer for a block, I have the option to accept it or not, and I can always reject a block later on if I don't want to do deliveries that day.

6. Also, as an independent contractor, I control my own business, and I make more money because I work for myself. I like delivering for Amazon Flex because it is good money, and I also have the chance to interact with a lot of people from all walks of life. That's the best part about delivering with Amazon. I have my own farming business, so it helps that I am able to interact with and meet new people through Amazon Flex to help that business as well. I oftentimes answer customers' questions when I deliver packages, so am able to interact with customers regularly.

1 7. If I have to communicate with Amazon from the road, I contact Amazon Support
2 personnel at a centralized number. I don't deal with Amazon personnel at the Chesapeake
3 location while I'm on the road.

4 8. I typically try to deliver for Amazon Flex at night because that is when I am
5 finished with my family time and other life obligations. I also find I have more opportunities to
6 get more offers for blocks in the night time.

7 9. When I receive my packages for my route, I will organize my packages by the
8 number of packages per delivery stop rather than by the address. That way, I can look at the
9 number of packages bunched together for a stop and know right away what group of packages I
10 am delivering to that particular address.

11 10. I have also figured out my own way of delivering packages on a route. Usually
12 for a two-hour delivery block, the Amazon Flex app recommends that I deliver a package that is
13 furthest out from the warehouse first. I generally ignore that recommendation, and instead start
14 with the delivery closest to the warehouse and then move my way out so I don't end near the
15 warehouse. I also try to short cut routes and work around traffic as I see fit. No one has ever
16 told me I was doing something wrong for handling the deliveries as I see fit.

17 11. I live near Suffolk and Hampton Roads, which is one of the furthest areas from
18 the Chesapeake warehouse and Virginia Beach and Chesapeake where a lot of DPs live. So,
19 sometimes, especially during the last route of the night, I will trade a route with another DP who
20 doesn't want to travel to Suffolk or Hampton since the route closest to my house is better for me.
21 Additionally, instead of taking the route randomly given to me, I sometimes will ask to have a
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1 route closer to home at the end of the night since I know DPs don't like to go out to Suffolk or
2 Hampton.

3 12. I understand that this declaration is being provided in connection with a lawsuit
4 brought against Amazon by current and/or former DPs who claim that Amazon should have
5 classified them as employees and paid them minimum wage and overtime. I understand that the
6 plaintiffs are seeking to represent current and former DPs, including me, in the lawsuit. I
7 understand that I may be invited to join the lawsuit and that I could be eligible to participate. I
8 also understand that the lawyer who interviewed me and prepared this declaration for me
9 represents Amazon and does not represent me.
10

11 13. I am providing this statement voluntarily and without any duress, threats,
12 intimidation or coercion. I understand that I did not have to give this declaration, can provide or
13 refuse to provide a declaration or testimony, and know that giving or not giving information will
14 not affect my relationship with Amazon.
15

16
17 I declare under penalty of perjury of the laws of the United States that the foregoing is
18 true and correct to the best of my knowledge, information, and belief.
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20 Executed on January 12, 2017 in Chesapeake, VA
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23 Pablo Ovando
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